

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

**B. P. J., by her next friend and mother,
HEATHER JACKSON,**

Plaintiff,

v.

**CIVIL ACTION NO. 2:21-cv-00316
Judge Joseph R. Goodwin**

**WEST VIRGINIA STATE BOARD OF
EDUCATION, HARRISON COUNTY
BOARD OF EDUCATION, WEST VIRGINIA
SECONDARY SCHOOL ACTIVITIES
COMMISSION, W. CLAYTON BURCH, in
his official Capacity as State Superintendent,
DORA STUTLER, in her official capacity as
Harrison County Superintendent, and THE
STATE OF WEST VIRGINIA,**

Defendants.

and LAINEY ARMISTEAD,

Intervenor Defendant.

**DEFENDANTS' MOTION TO STAY PROCEEDINGS
PENDING RESOLUTION OF PETITION FOR WRIT OF CERTIORARI**

Defendants, State of West Virginia; Lainey Armistead; West Virginia Board of Education; Michele Blatt, in her capacity as State Superintendent of Schools; Harrison County Board of Education; Dora Stutler, in her official capacity as Harrison County Superintendent of Schools; and the West Virginia Secondary Schools Activities Commission, move for a stay of proceedings in this case pending resolution by the United States Supreme Court of a petition for a writ of certiorari that will be filed regarding this case. Counsel for the State of West Virginia has informed Plaintiff's counsel that a petition for writ will be filed with the United States Supreme Court, and

Plaintiff's counsel has advised that B.P.J. does not oppose the motion, but does not adopt all of the statements and arguments made by Defendants in the motion or the accompanying memorandum of law.

For the reasons set forth in the memorandum of law filed contemporaneously herewith, Defendants respectfully request that the Court stay any further proceedings in the District Court pending resolution of the petition for writ of certiorari by the United States Supreme Court.

Respectfully submitted,

/s/ Jonathan A. Scruggs (by permission)

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